

**Introduced by Senator Hancock**

February 24, 2015

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An act to amend Sections 2053.1, 2054, and 2054.2 of, and to repeal Section 2054.1 of, the Penal Code, relating to corrections.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 343, as introduced, Hancock. Criminal law: corrections.

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to implement a literacy program in every state prison. In implementing these programs, existing law requires the Secretary of the Department of Corrections and Rehabilitation to give strong consideration to computer-assisted training and other innovations that have proven to be effective in reducing illiteracy among disadvantaged adults.

This bill would also require the Department of Corrections and Rehabilitation to give strong consideration to the use of libraries and librarians for that literacy program.

Existing law permits the Secretary of the Department of Corrections and Rehabilitation to establish and maintain classes for inmates. Existing law provides for funding of this program, upon appropriation by the Legislature, at a rate of \$40 per inmate. Existing law requires this rate to increase or decrease in the same proportion as the median salaries for full-time high school teachers in the public schools of the state have increased or decreased since the 1956–57 fiscal year.

This bill would repeal the provisions regarding the setting of the rates for funding of these classes.

Existing law requires the Department of Corrections and Rehabilitation to determine and implement a system of incentives to increase inmate participation in, and completion of, academic and

vocational education including, but are not limited to, a specified literacy level, a high school diploma or equivalent, or a particular vocational job skill.

This bill would add completion of a community college or 4 year academic degree to the list of included academic and vocational education.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2053.1 of the Penal Code is amended to  
2 read:

3 2053.1. (a) The Secretary of the Department of Corrections  
4 and Rehabilitation shall implement in every state prison literacy  
5 programs that are designed to ensure that upon parole inmates are  
6 able to achieve the goals contained in this section. The department  
7 shall prepare an implementation plan for this program, and shall  
8 request the necessary funds to implement this program as follows:

9 (1) The department shall offer academic programming  
10 throughout an inmate's incarceration that shall focus on increasing  
11 the reading ability of an inmate to at least a 9th grade level.

12 (2) For an inmate reading at a 9th grade level or higher, the  
13 department shall focus on helping the inmate obtain a general  
14 education development certificate, or its equivalent, or a high  
15 school diploma.

16 (3) The department shall offer college programs through  
17 voluntary education programs or their equivalent.

18 (4) While the department shall offer education to target  
19 populations, priority shall be given to those with a criminogenic  
20 need for education, those who have a need based on their  
21 educational achievement level, or other factors as determined by  
22 the department.

23 (b) In complying with the requirements of this section, the  
24 department shall give strong consideration to *the use of libraries*  
25 *and librarians*, computer-assisted-~~training~~ *training*, and other  
26 innovations that have proven to be effective in reducing illiteracy  
27 among disadvantaged adults.

28 SEC. 2. Section 2054 of the Penal Code is amended to read:

2054. (a) ~~The Director of Corrections~~ *Secretary of the Department of Corrections and Rehabilitation* may establish and maintain classes for inmates by utilizing personnel of the ~~Department of Corrections~~, *Corrections and Rehabilitation*, or by entering into an agreement with the governing board of a school district or private school or the governing boards of school districts under which the district shall maintain classes for such inmates. The governing board of a school district or private school may enter into such an agreement regardless of whether the institution or facility at which the classes are to be established and maintained is within or without the boundaries of the school district.

~~Any~~

(b) ~~Any~~ agreement entered into between the ~~Director of Corrections~~ *Secretary of the Department of Corrections and Rehabilitation* and a school district or private school pursuant to this section may require the Department of Corrections *and Rehabilitation* to reimburse the school district or private school for the cost to the district or private school of maintaining such classes. “Cost” as used ~~herein in this section~~ includes contributions required of any school district to the State Teachers’ Retirement System, but such cost shall not include an amount in excess of the amount expended by the district for salaries of the teachers for such classes, increased by one-fifth. Salaries of such teachers for the purposes of this section shall not exceed the salaries as set by the governing board for teachers in other classes for adults maintained by the district, or private schools.

~~Attendance~~

(c) ~~Attendance~~ or average daily attendance in classes established pursuant to this section or in classes in trade and industrial education or vocational training for adult inmates of institutions or facilities under the jurisdiction of the Department of Corrections *and Rehabilitation* shall not be reported to the State Department of Education for apportionment and no apportionment from the State School Fund shall be made on account of average daily attendance in such classes.

~~No~~

(d) ~~No~~ school district or private school shall provide for the academic education of adult inmates of state institutions or facilities under the jurisdiction of the Department of Corrections *and Rehabilitation* except in accordance with this section.

~~The Legislature hereby declares that for each fiscal year funds for the support of the academic education program for inmates of the institutions or facilities under the jurisdiction of the Department of Corrections shall be provided, upon appropriation by the Legislature, to the Department of Corrections at the rate of forty dollars (\$40) multiplied by the total number of inmates which the Department of Corrections estimates will be in such institutions or facilities on December 31st of the fiscal year, except as provided in Section 2054.1.~~

SEC. 3. Section 2054.1 of the Penal Code is repealed.

~~2054.1. The rate specified in Section 2054 shall be further increased or decreased in the same proportion as the median salaries for full-time high school teachers in the public schools of this State have increased or decreased since the 1956-57 Fiscal Year.~~

~~“Median salaries” as used herein is the amount which the Superintendent of Public Instruction reports will be paid to full-time high school teachers in the public schools of this State during the fiscal year. Such reports shall be based upon information compiled by the Department of Education on salaries of certificated employees in the public schools of this State.~~

~~This section applies only to the program of academic education for inmates.~~

SEC. 4. Section 2054.2 of the Penal Code is amended to read:

2054.2. The Department of Corrections and Rehabilitation shall determine and implement a system of incentives to increase inmate participation in, and completion of, academic and vocational education, consistent with the inmate’s educational needs as identified in the assessment performed pursuant to Section 3020, including, but not limited to, a literacy level specified in Section 2053.1, a high school diploma or equivalent, *completion of a community college or four year academic degree*, or a particular vocational job skill. These incentives may be consistent with other incentives provided to inmates who participate in work programs.